

## **REMARKS**

Claims 1-55 are pending and under consideration. This second Election/Restriction Requirement follows an initial Election/Restriction mailed March 29, 2006, which has now been withdrawn in favor of this second Election/Restriction Requirement.

### **Election of Inventive Group**

In the instant Election/Restriction, the Patent Office has divided the claims into two inventive groups. Group I encompasses claims 1-34, drawn to a substrate comprising a hydrophobic moiety capable of integrating into a micelle, a fluorescent moiety, and an enzyme recognition moiety, classified in class 530, subclass 2. Group II encompasses claims 35-55, drawn to methods of enzyme detection, classified in class 435, subclass 7.4. It is noted that independent claims 35 and 40 incorporate by reference the compound of claim 1, while independent claims 45 and 50 use compounds encompassed within the scope of at least claim 1. As such, the Patent Office has required a restriction between a product and a method of using the product.

As an initial matter, a search of class 530, designated for the claims of Group I, did not retrieve subclass 2 as being part of the subclass. The lowest designated subclass within class 530 appears to begin at subclass 200. Applicant requests clarification of the subclass designation for Group I.

In regards to the election of an invention, Applicant elects for prosecution on the merits Group I, claims 1-34. Under the provisions of M.P.E.P §821.04, Applicant requests rejoinder the Group II, claims 35-55, upon allowance of the claims encompassing the compounds used in the method claims 35-55, and full examination for patentability of the rejoined claims. Applicant's election is made without traverse.

### **Election of Species Under 37 C.F.R. §1.146**

The Patent Office has also required an election of species under 35 U.S.C. §121 and 37 C.F.R. §1.146, with the proviso that in the event Group I is chosen, there must be an election of the linking arrangement of hydrophobic, enzyme recognition, and fluorescent moieties recited in one of claims 28-32. In addition, an election of a species recited in claim 30 requires a further election of a protein kinase recognition sequence recited in claim 14.

In view of the election of inventive Group I above, Applicant elects the arrangement of hydrophobic, enzyme recognition, and fluorescent moieties of claim 30. The Patent Office states that by electing Claim 30, Claims 9-14 will be examined. Applicant also elects the protein kinase recognition sequence -R-R-X-S/T-Z- (SEQ ID NO.1) and understands that Claims 5 and 6 will be examined insofar as they read on the elected recognition sequence. Claims 1-27, 30, 31, and 35-55 read on the elected species.

Applicant understands the election of species is made to solely facilitate examination of the claims, and that they are entitled to consideration of additional species upon the allowance of a generic claim, as provided under 37 C.F.R. §1.141.

### **Conclusion**

Claims 1-55 are believed to satisfy all of the criteria for patentability and are in condition for allowance. An early indication of the same is therefore kindly requested.

No fees beyond those submitted herewith are believed to be due in connection with this Amendment. However, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (**Order No. 375461-007US (355357)**).

Date: November 19, 2006

**DECHERT LLP**

**Customer No. 37509**

Telephone: 650.813.4800

Facsimile: 650.813.4848

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Respectfully submitted,



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Euk Charlie Oh  
Reg. No. 54,345